

## **REMARKS**

Applicants request favorable reconsideration and allowance of this application in view of the following remarks.

Claims 1, 3, 5, 7-10, 12, 14, 16-18, and 23-30 are pending in this application. Claims 8, 9, 17, 18, and 27 stand withdrawn from consideration. Claims 1, 10, 19-23, and 28 are the independent claims under consideration.

Claims 1, 3, 5, 7, 10, 12, 14, 16, 23, 25-26 and 28-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0016291 to Tojo. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tojo. Applicants respectfully traverse these rejections for the reasons discussed below.

As recited in independent Claim 1, the present invention includes, *inter alia*, the features of dividing moving image data for one shot obtained from the beginning to the end of imaging into a plurality of segments of the moving image data based on additional information stored in a storage device, and selecting a key frame of each segment divided based on the additional information. Applicants submit that the cited art fails to disclose or suggest at least these features.

The Office Action refers to paragraph [0005] of Tojo as allegedly disclosing the claimed dividing means. In particular, at page 2 the Office Action states, “paragraph [0005] of Tojo, for example, teaches ‘moving image can be divided into plural units each called shot ...’ The on/off operation inherently included in video camera in this particular paragraph refer to claimed additional information in order for moving image to be picked up by the video camera.” Applicants respectfully submit that this disclosure of Tojo does not meet the claimed limitations of Claim 1.

In the invention of Claim 1, a “shot” is defined as moving image data from the beginning to the end of the imaging. This shot is then divided into a plurality of segments, based on stored additional information, and a key frame is selected for each divided segment.

In paragraph [0006], Tojo states that a “shot corresponds to a period from a

photographing start to a photographing end in case of that the moving image is picked up by a video camera, and corresponds to a period (one scene) until a camera angle or the like is switched over in case of that the moving image is of television broadcasting." Accordingly, "the shot" disclosed in Tojo corresponds to "one shot obtained from the beginning to the end of the imaging" recited in Claim 1.

However, whereas Claim 1 recites that a "shot" is further divided into segments, and that a key frame is selected for each segment, Tojo merely discloses a method for selecting a key frame of the shot based on information related to an imaging action. In other words, Claim 1 and Tojo define a shot the same way, but Tojo fails to disclose or suggest dividing the moving image data for one shot obtained from the beginning to the end of the imaging into a plurality of segments of the moving image data based on the additional information related to the imaging action, as the claimed invention of Claim 1 recites.

Looked at another way, according to the invention of Claim 1, one shot may correspond to a plurality of key frames (one for each divided segment of the shot), whereas Applicants submit that Tojo only discloses there being a single key frame for a shot.

The Office Action also asserts that the claimed "additional information" corresponds to the "on/off operation" of the camera. However, Claim 1 recites that the additional information is stored in a storage device, and therefore Applicant submits that an on/off operation cannot correspond to the claimed additional information.

The Office Action further asserts that paragraphs [0082-0083] of Tojo teach dividing a frame into blocks. However, Applicants submit that those paragraphs merely describe a part of processing for selecting a key frame of the one shot by the cutting detection unit 6030, in which each frame of adjacent frames is divided into plural blocks longitudinal and lateral directions as shown in Fig. 14, to calculate a degree of similarity between the adjacent frames. This process has no bearing on the dividing means recited in Claim 1.

Generally speaking, Tojo is directed to extracting a key frame in a case that no subsequent zooming action is detected after the expiration of a predetermined time interval from the former zooming action. According to Tojo, it is difficult to set key frames at appropriately

distributed positions in entire moving image data in some cases. On the other hand, the dividing means of the present invention divides the moving image data of one shot into a plurality of segments based on the additional information related to an imaging action during the imaging, which is not disclosed in Tojo. Therefore, the present invention provides the benefit that a single shot is divided at appropriate positions, and therefore, key frames at appropriately distributed positions are detected.

At least for the above reasons, the invention recited in Claim 1 is clearly distinguishable from Tojo, is not obvious in view of Tojo, and is patentable.

The other independent claims recite similar features as those discussed regarding Claim 1, and those claims are believed patentable for reasons similar to Claim 1. The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for the additional features they recite.

For the foregoing reasons, Applicants submit that this application is in condition for allowance. Favorable reconsideration and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants  
Brian L. Klock  
Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
BLK/lcw

FCHS\_WS 1658418\_1.DOC